



EXECUTIVE SUMMARY

providing an overview of the

*Staff Report for the Proposed
MCAS El Toro Annexation to the City of Irvine
(CA 03-15)*

November 12, 2003



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EXECUTIVE SUMMARY

INTRODUCTION

This executive summary provides an overview of staff's analysis of an application by the City of Irvine requesting annexation of approximately 4,287 acres of the former Marine Corps Air Station (MCAS) El Toro. Reuse of the former military base, officially closed in July 1993 by the Department of the Defense, has been one of the decade's most divisive and controversial issues in Orange County. Over the years, a series of reuse plans prepared by the County of Orange, the El Toro Reuse Authority (ETRPA), and the City of Irvine have offered competing visions for the proposed annexation territory. In addition, county residents have attempted to define future land uses for this area through competing voter initiatives.

Orange County voters approved the most recent initiative, Measure W, in March 2002. Measure W amended the County of Orange General Plan to designate the unincorporated MCAS El Toro property primarily for park and open space uses and removed the designation of the site as a commercial airport. The City of Irvine has proposed a land use plan for the annexation territory which provides for a variety of reuse options including significant park and open space uses surrounded by commercial, retail, and research uses. The purpose of the annexation is to allow for an extension of city services to implement the City of Irvine's land use plan.

HISTORY OF MCAS EL TORO

MCAS El Toro opened in 1943 as a military training facility. Over time, it grew into a Master Jet Station and became the center of support for operation and maintenance of the Pacific Fleet Marine Forces. In the early 1990s, the Base Realignment and Closure Commission (BRAC) eliminated numerous U.S. military installations. The BRAC process is used by the Department of the Defense to reduce the number of military facilities and to transfer properties to civilian control.

The Department of Defense placed both the MCAS El Toro and nearby MCAS Tustin on the closure list in 1993. On April 16, 2002, following voter approval of Measure W, the Orange County Board of Supervisors voted to cease further reuse planning of MCAS El Toro and to support the annexation and land use planning of the property by the City of Irvine.



CITY OF IRVINE'S ANNEXATION APPLICATION

By resolution of application, the City of Irvine requests annexation of approximately 4,287 acres (7.3 square miles) of the former MCAS El Toro base. The proposal has 100 percent consent of the affected property owners. Located in central Orange County, the proposed annexation territory is north of the Santa Ana Freeway (I-5), east of the Eastern Transportation Corridor (SR-133) and south of the Foothill Transportation Corridor (SR-241).

The City of Irvine's General Plan and zoning designate the land as "Orange County Great Park." The city's proposed Orange County Great Park Plan allows for two different levels of development intensity for future development of the proposed annexation territory. The "Base Plan" represents the minimum level of development anticipated for the site. The "Overlay Plan" defines additional development rights which will be granted if the property owner enters into a Development Agreement with the city.

MUNICIPAL SERVICES

The City of Irvine's plan for services proposes that police, animal control, parks and recreation, and public works be transferred to the city upon annexation. Fire/paramedic services and sewer/water utilities are planned to remain with the existing providers, the Orange County Fire Authority and the Irvine Ranch Water District, respectively.

GOVERNANCE

The City of Irvine proposes the creation of a non-profit 501(c)(3) Public Benefit Corporation as the governance body for the Orange County Great Park project. A 501(c)(3) Public Benefit Corporation is a specific type of non-profit corporation created for charitable and public purposes rather than for the private gain of any individual. Identified as the "Orange County Great Park Corporation," this entity is designed to act as the "master developer" for the Great Park Master Development Plan which includes the Great Park and the balance of the base property. In the project's initial development phase, the corporation will hire and manage contractors for the Master Development Plan's "backbone" infrastructure system. This will include construction of major arterials, sewer lines, water lines, and park and open space improvements.

THE CITY'S FINANCIAL/FISCAL PLAN FOR THE GREAT PARK PLAN

The City of Irvine has proposed a unique plan to fund the infrastructure and ongoing maintenance and operations of the Great Park Master Development Plan in the proposed



annexation territory. The city's proposed funding plan is supported by a combination of developer fees, bond assessments and special levies to be shared among landowners and developers with no additional funding required by federal, state or local taxpayers. The funding plan identifies three key steps which lead to development of the Great Park Master Development Plan:

1. Annexation of the property to the City of Irvine
2. Sale of the property to the Navy through a public auction process
3. Property-owner commitment to the City of Irvine's Development Agreement

Following annexation, the federal government will conduct a public auction of the four parcels which comprise the Great Park Master Development Plan. Upon purchase of the property, property owners will be asked to sign the pre-drafted Development Agreement with the City of Irvine. The Development Agreement is required for development under the Overlay Plan (which allows more intense land uses than the Base Plan) and obligates the owner to pay significant impact fees to the city. The total cost for infrastructure development is estimated to be \$372 million. The city proposes that the majority of these costs be covered through developer impact fees (\$200 million), with the remaining \$172 million financed through Mello Roos assessment bonds.

ANALYSIS & RECOMMENDATIONS

With the passage of Measure W in March 2002, MCAS El Toro was designated primarily for open space and recreation uses. The City of Irvine's Great Park Plan reflects that intent through its plans for a 370-acre central park and 1,900 acres of additional open space. Additional uses, at minimum, will include residential, research and development and museum/library space uses. This level of development will require increased municipal services. Through LAFCO's adoption of Irvine's sphere of influence in 1973, your Commission has clearly identified the City of Irvine as the logical municipal service provider for the proposed annexation area.

Given the complexity of the proposed financing plan, staff utilized an outside consultant with expertise in fiscal feasibility analysis to perform an economic and fiscal analysis of the proposed annexation, including a review of the funding plan and fiscal impact of the project on the City of Irvine and the County of Orange. The consultant's report, in summary, includes the following key findings:

- The project generates an annual fiscal benefit to the city.
- The Great Park Plan generates an annual fiscal benefit to the county.
- The city's financing plan is feasible given certain caveats.

Development of the annexation territory is imminent. The proposed development will require an extension of municipal services. The City of Irvine has developed an innovative and creative financing plan for the development of the property which requires that major infrastructure and



ongoing maintenance costs be shouldered by development interests and future buyers who choose to purchase homes and businesses within the annexation territory. The financing plan, while not without risk inherent in any major real estate development project, is reasonable and feasible.

STAFF RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Certify that the information contained within the Final Program Environmental Impact Report prepared by the City of Irvine has been reviewed and considered.
2. Adopt the form of resolution approving the “MCAS El Toro Annexation to the City of Irvine” (CA 03-15) subject to the specified terms and conditions.



*Staff Report for the Proposed
MCAS El Toro Annexation to the City of Irvine
(CA 03-15)*

November 12, 2003



INTRODUCTION

This report provides a review of an application by the City of Irvine requesting annexation of approximately 4,287 acres of the former Marine Corps Air Station (MCAS) El Toro. The proposed annexation territory is located within the existing Irvine sphere of influence. Reuse of the former military base, officially closed in July 1999 by the Department of the Defense, has been a source of controversy for the past decade in Orange County. Over the years, a series of reuse plans prepared by various entities, including the County of Orange, El Toro Reuse Planning Authority (ETRPA), and the City of Irvine, offered competing land use plans for the annexation territory. In addition, competing voter initiatives have attempted to define the future land uses for this territory.

The voters of Orange County approved the latest initiative, Measure W, in March 2002. The Measure W initiative amended the County of Orange General Plan to designate the unincorporated MCAS El Toro territory primarily for park and open space uses and removed the designation of the site as a commercial airport. The City of Irvine has proposed a land use plan for the annexation territory which provides for a variety of land uses, including significant park and open space uses. The purpose of the annexation is to allow for an extension of city services to implement the City of Irvine's reuse plan.



LEFT: An aerial photo of the annexation area.

ABOVE: Gate 2 to MCAS El Toro



THE ANNEXATION PROCESS

The annexation process for the proposed 4,287-acre base property officially began on May 27, 2003 when the Irvine City Council formally initiated the annexation process through the adoption of City Council Resolution No. 03-62. This resolution requested that LAFCO undertake annexation proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended in 2001, the governing statute regulating all city annexations in California. The chart below (Figure 1) identifies the key milestones in an annexation process:

Figure 1 – Key Steps in the City Annexation Process

KEY STEPS IN THE CITY ANNEXATION PROCESS	
1.	Annexation initiated by city council resolution or landowner/registered voter petition.
2.	Annexation application prepared by city and submitted to LAFCO for review. (Application must include a map and legal description of the property, a filing fee based on the size of the annexation, written justification for the annexation, a plan of service and environmental review.)
3.	City and county must each adopt resolutions agreeing to an exchange of property taxes should the annexation be approved.
4.	Application materials are reviewed by LAFCO staff and distributed to affected agencies and interested parties for review and comment.
5.	LAFCO staff reviews agency comments and prepares a report reviewing the application.
6.	Once the application is complete, a “certificate of filing” is issued by the LAFCO Executive Officer and a hearing date is set. LAFCO staff prepares an analysis and recommendations for the Commission’s review.
7.	LAFCO considers the annexation on the hearing date and can either: <ul style="list-style-type: none">a. Approve the annexation with or without specified terms and conditions,b. Deny the annexation, orc. Approve the annexation with modifications.
8.	A 30-day “request for reconsideration” period begins in which any affected agency or interested party may request LAFCO to reconsider its action.
9.	If 100 percent of the property owners and subject agencies consent to the annexation, the Commission may waive protest proceedings per Government Code Section 56663(c). (Please refer to Attachment A.)



FORMAT OF STAFF REPORT

Following the introduction, this report begins with an historical overview of the proposed annexation territory, which includes:

- A history of MCAS El Toro post-WWII;
- A discussion of competing reuse plans for MCAS El Toro over the last decade; and
- A summary of voter initiatives affecting the annexation territory.

Following the history section, the report provides a detailed review of the City of Irvine's annexation application, including:

- The city's proposed General Plan and zoning for the territory;
- A description of the city's Great Park Base Plan and Overlay Plan land use and development proposals;
- A review of the city's municipal services plan to serve the annexation territory, including governance of the proposed "Great Park;" and
- An explanation of the city's plan for financing infrastructure and park development costs.

Finally, the balance of the report provides staff's analysis of the annexation proposal, including an evaluation of the proposed funding mechanisms for infrastructure, park development, and operating costs, caveats to feasibility, the fiscal and economic impacts on the County of Orange and the City of Irvine, a discussion of the benefits of annexation, and staff recommendations.

KEY FACTORS FOR COMMISSION CONSIDERATION

LAFCO is required to consider several factors when reviewing and considering annexations. Key factors for your Commission to consider are found in California Government Code Section 56668 (included as Attachment B of this report) and are summarized below. A detailed review of these factors with respect to the subject annexation is included in the analysis section of this staff report beginning on page 21.

Factors to consider per Government Code Section 56668:

- Population, land use, and the likelihood of significant growth in area during the next ten years
- Need for organized community services; present cost and adequacy of governmental services; probable future needs for those services; probable effect of annexation on the cost; and adequacy of services and controls in the area



- Effect of the proposed action on adjacent areas, on mutual social and economic interests, and on the local governmental structure of the county
- Conformity of the proposal with adopted Commission policies
- Consistency with city or county general and specific plans
- The territory's sphere of influence
- Comments of affected agencies and landowners
- Ability of the receiving entity to provide services, including the sufficiency of revenues for those services following annexation



HISTORY OF MCAS EL TORO

WORLD WAR II AND THE KOREAN WAR

MCAS El Toro began its existence as a military training facility when it opened in 1943 in a very rural Orange County. During the last days of



World War II, MCAS El Toro gained prominence as an aircrew training facility. Over time, it grew into a Master Jet Station and became the center of support for operation and maintenance of the Pacific Fleet Marine Forces. At the end of World War II, MCAS El Toro found itself on a short list of bases to be closed.



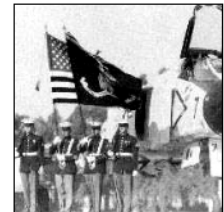
Shortly thereafter that decision was reversed, and MCAS El Toro was placed on a list of seven installations to be maintained in active status. Throughout the Korean War, the Marine Corps continued to utilize MCAS El Toro to train and prepare Marine Corps aviation units for duty overseas.

THE 1960s AND 1970s



In 1963, MCAS El Toro celebrated its 20th anniversary. During the 1960s, the Vietnam War incrementally turned into a full-scale conflict. MCAS El Toro once again became a debarkation point for servicemen and women embroiled in conflict overseas. At the end of the Vietnam War and the fall of Saigon, thousands of Vietnamese refugees relocated to the United States.

During May 1976, flights delivering Vietnamese and their families arrived at MCAS El Toro at the rate of one per hour. Over 50,000 people arrived as part of Operation New Arrival and then departed for "Freedom Villages" across the country, which attempted to orient refugees into the American way of life.





THE 1980s, THE 1990s, AND THE CLOSURE OF MCAS EL TORO

More recently, during Operations Desert Shield, Desert Storm and Restore Hope, MCAS El Toro again served as a strategic jumping-off point for trans-Pacific flights. In the early 1990s, the Base Realignment and Closure Commission (BRAC) eliminated numerous U.S. military installations. The BRAC process is used by the Department of Defense to reduce the number of military facilities and to transfer properties to civilian control. (Please refer to Figure 2 on page 7.) Many of these base closures have been controversial. The Department of Defense placed both MCAS El Toro and nearby MCAS Tustin on the base closure list in 1993. In July 1999, MCAS El Toro was officially closed when the last jets left for their new home at MCAS Miramar in San Diego.



THE BASE CLOSURE PROCESS

The Defense Base Closure and Realignment Act of 1990 established a formal process for disposing of property excess to the needs of the Department of Defense. Following base closure in 1993, the El Toro Reuse Planning Authority (ETRPA), consisting of the Cities of Lake Forest and Irvine and the County of Orange, was formed and designated by the California legislature to be the single reuse entity for the base. ETRPA was charged with developing a reuse plan for the base property. In November 1994, Orange County voters passed Measure A which amended the County's General Plan to require that MCAS El Toro be used for a public or private airport. Following the passage of Measure A, the County of Orange withdrew from ETRPA, and the Department of Defense designated the Orange County Board of Supervisors as the Local Redevelopment Authority.



The "airport" versus "no airport" issue became one of the decade's most controversial and divisive issues in Orange County. Various entities, including the County of Orange, ETRPA, and the City of Irvine, have prepared multiple reuse plans for the base property over the years. In addition, the Orange County voters considered a series of competing initiatives over the last decade to help determine voter support for an aviation or non-aviation reuse of MCAS El Toro. These initiatives are summarized on pages 7 and 8 of this report.

The base closure process is described in greater detail in Figure 2, captioned below.



Figure 2 – The Federal Base Closure Process

GENERAL STEPS Federal Base Closure Process	
<i>Community Actions</i>	<i>Federal Actions</i>
Begin contingency planning.	The Department of Defense (DoD) submits proposed closure list to Base Realignment and Closure Commission (BRAC). BRAC submits list to President, and the President submits list to Congress. Base transition coordinators are assigned and a closure date determined.
Form Local Redevelopment Agency (LRA).	The Office of Economic Adjustment (OEA) recognizes the LRA.
Consult with military department.	Complete personal property inventory. Identify DoD and federal property needs. Make surplus property determinations.
Conduct outreach to homeless providers.	Provide technical support to the planning efforts.
Prepare and adopt redevelopment plan.	Identify the uncontaminated parcels.
Submit a plan to the DoD and Housing and Urban Development (HUD).	Solicit Notices of Interest for property public conveyances.
Revise the plan, if necessary.	HUD reviews the plan and reports on the property's suitability.
Transition LRA to implement plan.	Complete an environmental impact analysis, and complete any environmental cleanup.
Acquire the property and implement the plan.	Complete the property disposal.

BALLOT BOX PLANNING –

MEASURES A, S, F, AND W

MEASURE A

In November 1994, Orange County voters adopted Measure A which amended the County's General Plan to require that MCAS El Toro "... shall be used for a publicly or privately owned



and operated airport.” Following passage of Measure A, the County of Orange withdrew from ETRPA. The Department of Defense then designated the Orange County Board of Supervisors as the Local Redevelopment Agency (LRA) with respect to the base closure process.

MEASURE S

Orange County voters defeated anti-airport ballot Measure S in March 1996. This measure, if approved, would have repealed Measure A.

MEASURE F

In March 2000, Orange County voters adopted Measure F (the “Safe and Healthy Communities Initiative”) which, among other things, required a two-thirds vote of the electorate on the approval of airport, jail and hazardous waste landfill projects within one-half mile of homes. In December 2000, a judge ruled that Measure F unconstitutionally interfered with the authority of the Board of Supervisors. The initiative failed on subsequent judicial appeals.

MEASURE W

Orange County voters approved the most recent initiative, Measure W, on March 5, 2002. The Measure W initiative formally amended the County of Orange General Plan to designate the majority of the base property for park, open space, and other uses and removed the designation of the site as a commercial airport from the General Plan.

THE COUNTY ENDS AIRPORT PLANNING EFFORTS FOR MCAS EL TORO

On April 16, 2002, following approval of Measure W, the Orange County Board of Supervisors voted to cease further planning of MCAS El Toro and to support the annexation and land use planning of the property by the City of Irvine. The Board of Supervisors also decided not to pursue receipt of the title to the MCAS El Toro property from the Department of the Navy but rather to negotiate the termination of the Master Lease existing between the county and the Department of the Navy. The Master Lease between the County of Orange and the Department of the Navy was terminated in July 2002, and the Navy resumed maintenance and operation responsibilities of the base facility.



CITY OF IRVINE'S ANNEXATION APPLICATION

Detailed Discussion

OVERVIEW

This section of the report includes a detailed discussion of the City of Irvine's annexation application, the city's proposed land use plan for the annexation territory, its municipal services plan and the governance model for the Great Park.

SUMMARY OF THE APPLICATION

By resolution of application, the City of Irvine requests annexation of approximately 4,287 acres (7.3 square miles) of the former MCAS El Toro military base. A portion of the former base, comprising 414 acres, is already within the boundaries of the City of Irvine. (Please refer to Attachment C.) The remaining unincorporated portion encompasses approximately 4,279 acres of the former base and an 8-acre parcel owned by the Irvine Ranch Water District (IRWD), which together comprise the annexation territory. The proposal has 100 percent consent of the affected property owners. Letters of consent from the Department of the Navy, the current owner of MCAS El Toro, and IRWD are included as Attachment D for your review. While no one currently lives on the base, officially closed in July 1999, a limited number of military and civilian staff works at the site to carry out base maintenance activities.

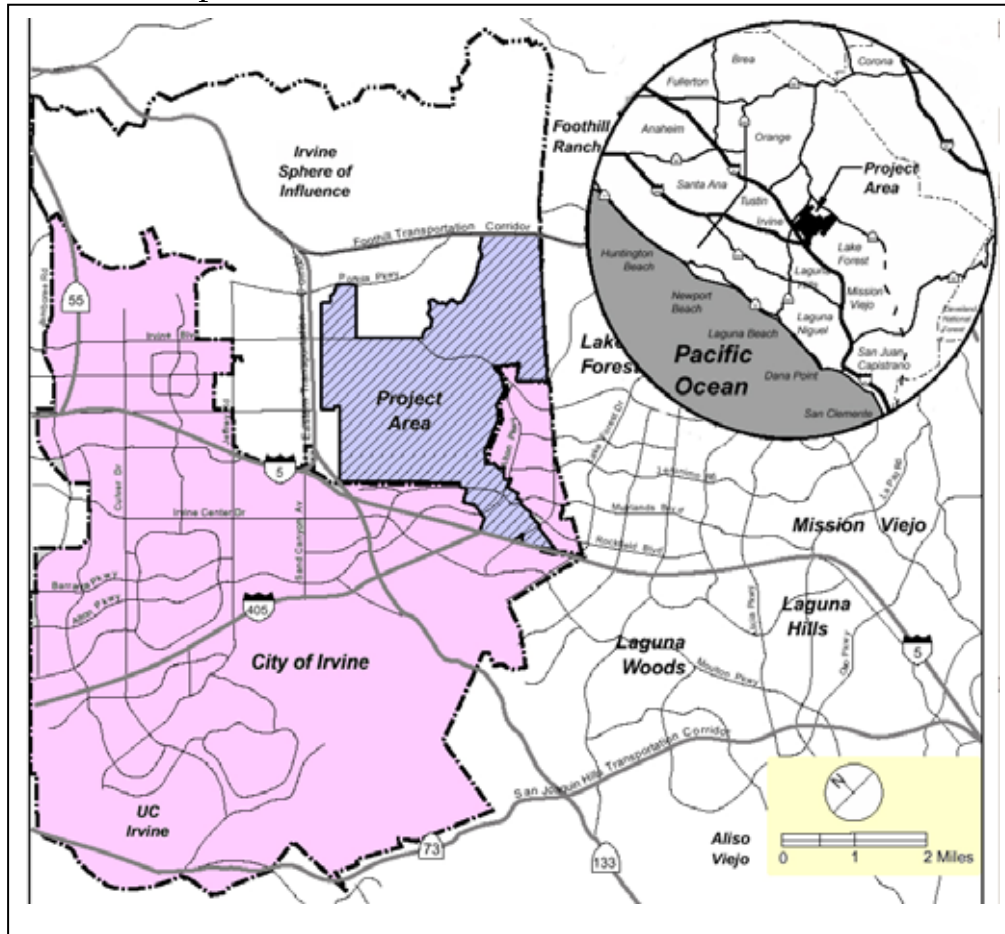
LOCATION

Located in central Orange County, the proposed annexation territory is north of the Santa Ana Freeway (I-5), east of the Eastern Transportation Corridor (SR-133), and south of the Foothill Transportation Corridor (SR-241). The former base property is essentially surrounded on three



sides by the City of Irvine as shown in the location map below. (Also refer to the vicinity map included in this report as Attachment E.) Major roadways that border the site include Barranca Parkway to the south, Sand Canyon Avenue to the west, Portola Parkway and Irvine Boulevard to the north, and Alton Parkway to the east.

Figure 3 – Location Map



REASONS FOR ANNEXATION

In its application for annexation, the City of Irvine states, in summary, that the primary reasons for seeking annexation include:

- Annexation is proposed at this time due to the closure of the base as a military facility. Subsequent development of the site will require extension of public facilities.
- Due to the location of the property, the City of Irvine is the most logical service provider.
- Annexation will allow the city to plan for the most effective provision of public services to the area.



LAND USE

In March 2002, the passage of Measure W amended the County of Orange General Plan to designate the proposed annexation territory for open space and educational compatible uses. County zoning for the property is A-1 (Agriculture). The City of Irvine's General Plan and zoning designate the land as "Orange County Great Park", which constitutes pre-zoning. The proposed annexation territory has been located within the Irvine sphere of influence (SOI) since the city's sphere was originally established by LAFCO in July 1972. An SOI boundary establishes the probable physical boundaries and service area for a local agency. For over 30 years, the City of Irvine has been identified as the logical municipal service provider for the subject territory.



THE CITY'S PROPOSED BASE PLAN AND GREAT PARK PLAN

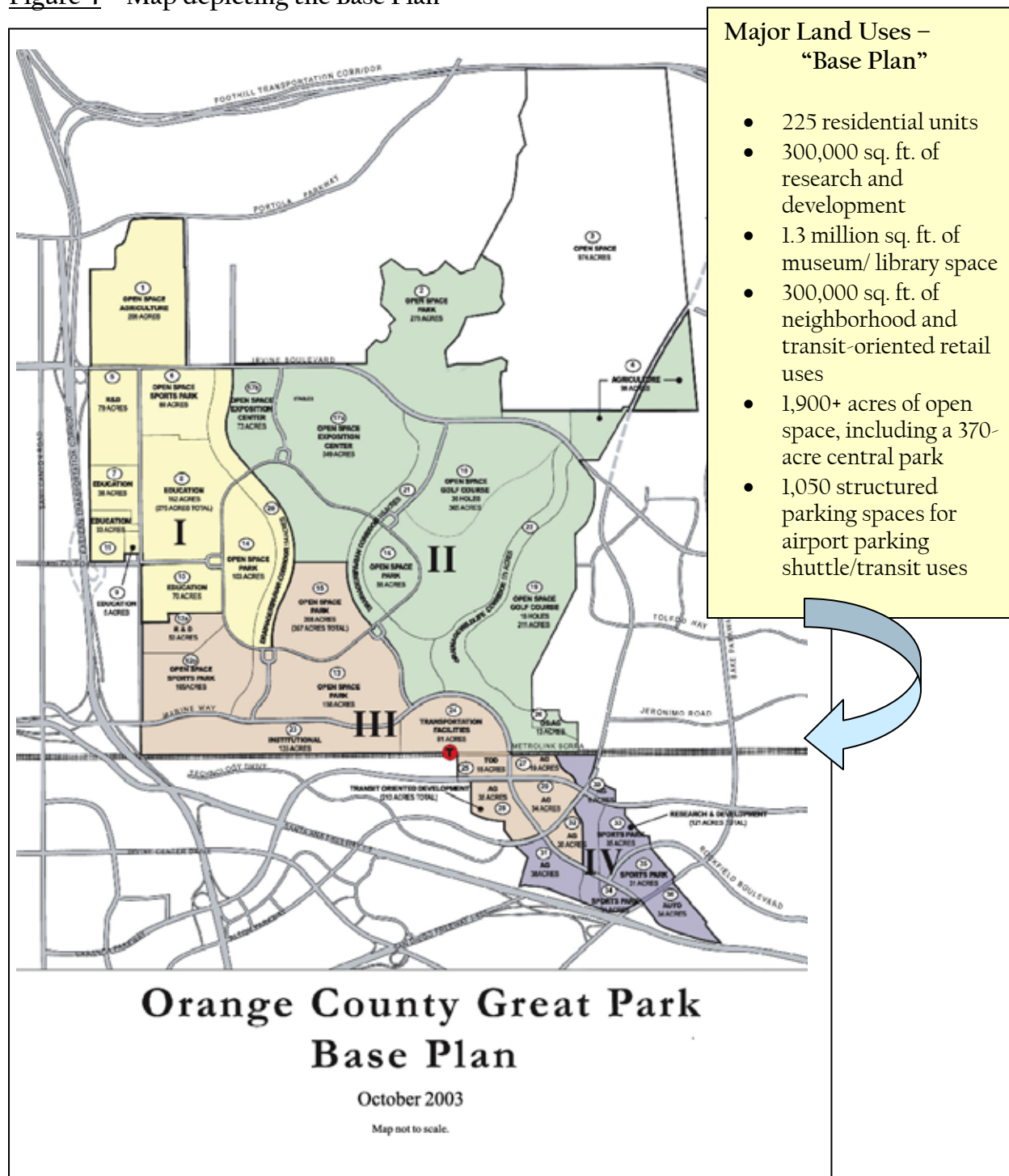
The City of Irvine's Orange County Great Park Plan allows for two different levels of intensity for future development of the proposed annexation territory. The "Base Plan" represents the minimum level of development anticipated for the site. The "Overlay Plan" defines additional development rights, which will be granted if the property owner enters into a Development



Agreement with the city. Both plans are summarized below in Figures 4 and 5. The differences in land use entitlements between the two plans are depicted in Figure 6. (See Attachment F for full-size Base and Overlay Plan maps.)

THE BASE PLAN

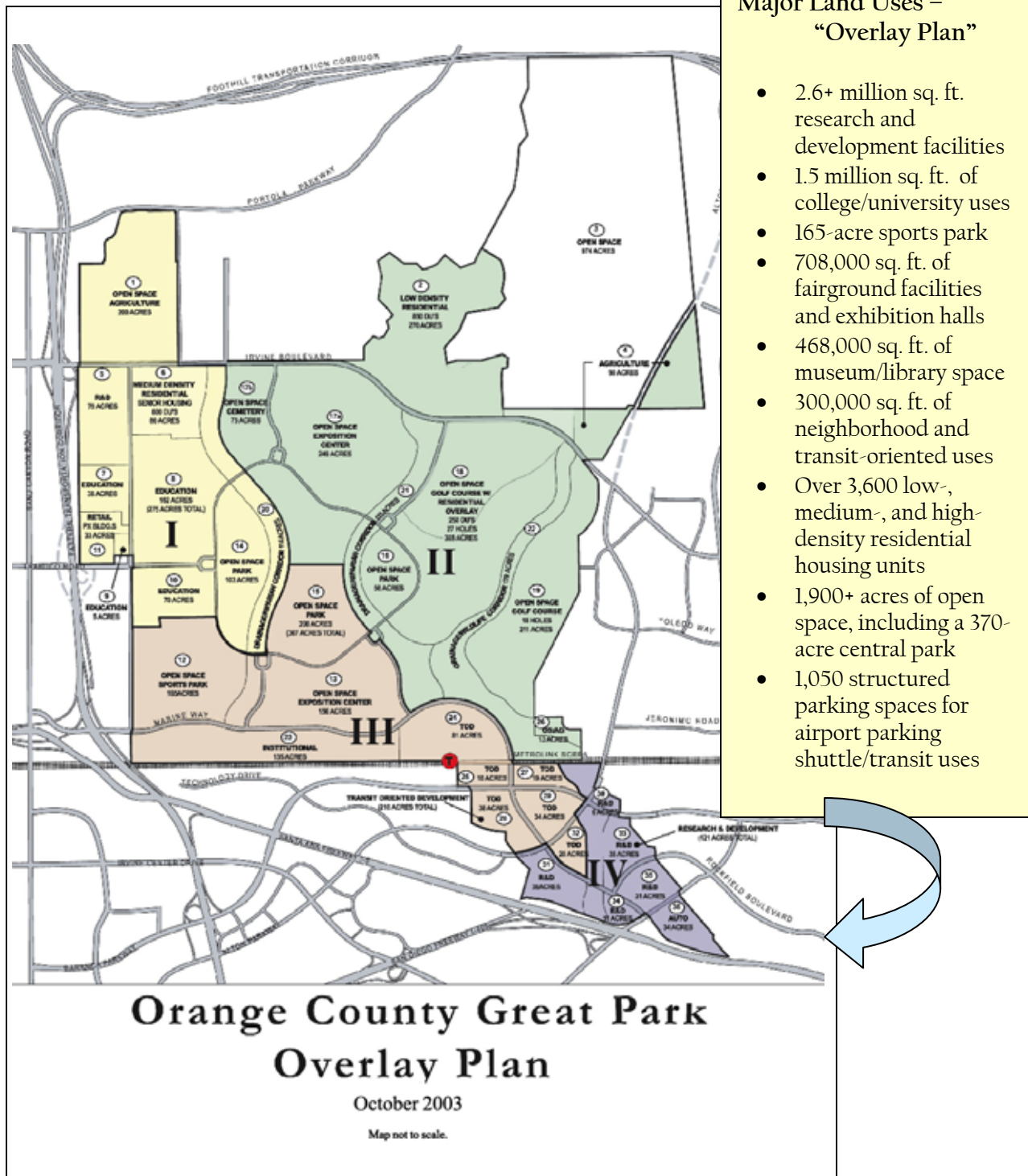
Figure 4 – Map depicting the Base Plan





THE OVERLAY PLAN

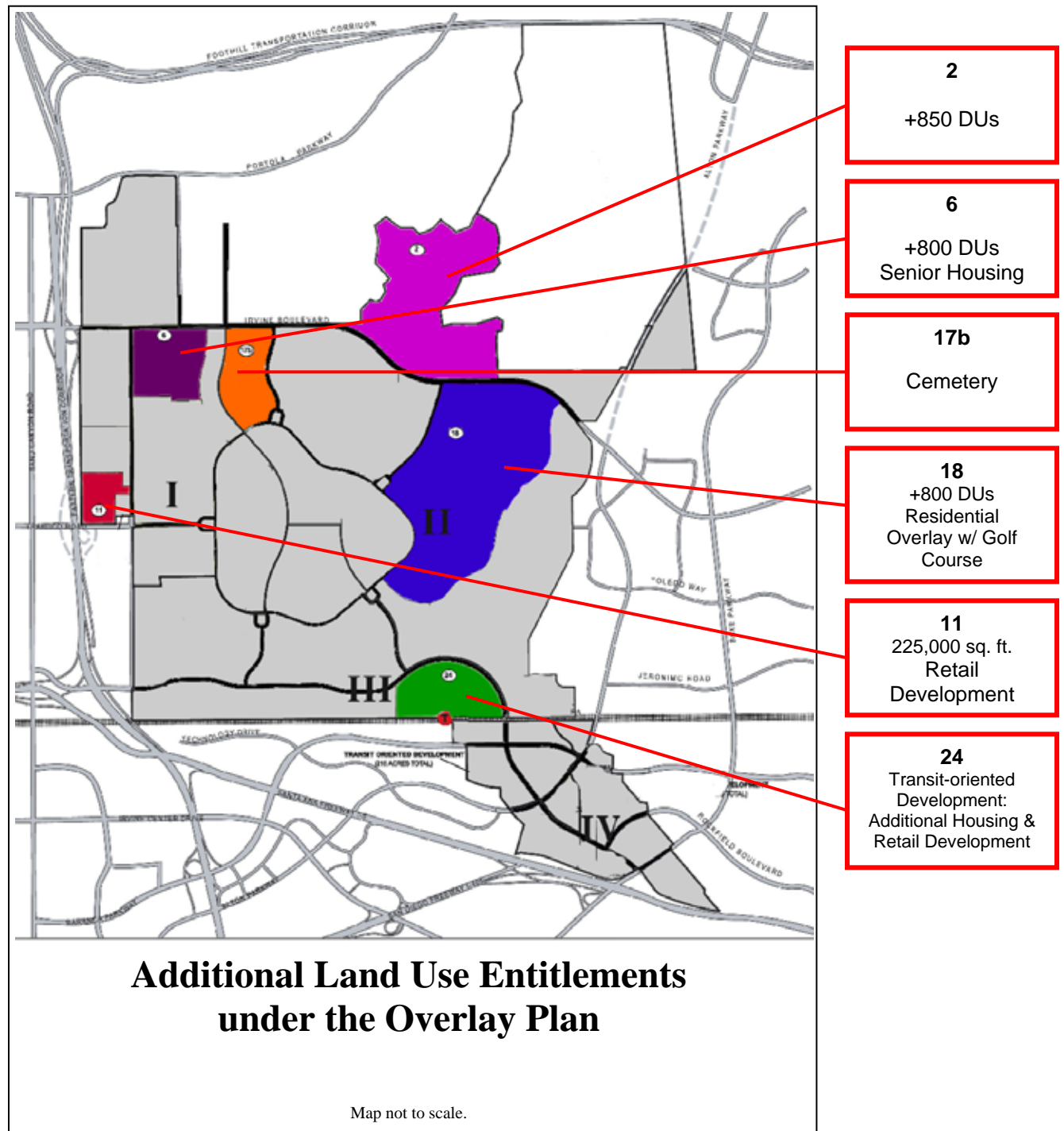
Figure 5 – Map depicting the Overlay Plan





ADDITIONAL LAND USE ENTITLEMENTS UNDER THE OVERLAY PLAN

Figure 6 – Map depicting additional land use entitlements of the Overlay Plan





VIEWS FROM THE ANNEXATION TERRITORY

LEFT: View of the Irvine Spectrum

RIGHT: View of the El Toro 'Y,' where the 5 and 405 freeways meet.

MUNICIPAL SERVICES

For nearly 60 years, the annexation territory functioned as an active military air station. Service provision and infrastructure were originally designed to meet the needs of that land use. The mixed land use development proposed under the Great Park Base Plan and/or Overlay Plan will create additional demand for municipal services. The city projects that at buildout the resident population will be 6,559 under the Overlay Plan and 446 under the Base Plan. This section of the report focuses on current and proposed service providers and describes the city's plans for extending and maintaining public services to the area.

















As part of your review of this proposal, your Commission is required to determine whether or not the annexation proposal provides an adequate plan for equitable, efficient service provision to meet the needs of the area. Government Code Section 56653 (Attachment G) outlines factors to consider when making a determination regarding a plan for services, including:

- A description of the services to be extended
- The level and range of services
- When the services will be available
- Any needed infrastructure upgrades required as a condition of annexation
- How the services extensions will be financed



The chart, below, provides a summary of the existing service providers for the annexation territory and the proposed service providers as outlined in the city's plan for services:

Figure 7 – City of Irvine provision of services

CITY OF IRVINE Provision of Services			
Public Service	Current Provider		Post-Annexation Provider
Police Protection		County of Orange Sheriff	 City of Irvine Police Dept. & the Great Park Corp.
Fire Protection/ Paramedics		Orange County Fire Authority	 Orange County Fire Authority
Animal Control		County of Orange	 City of Irvine
Sewer/Solid Waste		Irvine Ranch Water District	 Irvine Ranch Water District
Water		Irvine Ranch Water District	 Irvine Ranch Water District
Flood Control		County of Orange	 County of Orange
Parks & Recreation		Department of the Navy*	 City of Irvine Police Dept. & the Great Park Corp.
Public Works		Department of the Navy*	 City of Irvine & the Great Park Corp.
* For Parks and Rec and Public Works – the Department of the Navy has a team of seven people maintaining the base property at “caretaker” status. Caretaker status is defined as performing low level maintenance for health and safety purposes to keep operating and maintenance costs as low as possible.			

NOTE: As part of its annexation application, the City of Irvine provided detailed information on how services would be extended to the annexation territory and funded through buildout of the Overlay Plan. Service provision capacity and funding is assumed at the Overlay Plan level. As discussed earlier in this report, the Overlay Plan allows for a higher level of development intensity than does the Base Plan. If the property is developed under the Base Plan, the city's service providers would remain the same but would not be required to provide the service levels required under the Overlay Plan. The city's services plan is capable of providing adequate services under the full range of development alternatives.

WATER, SEWER, AND SOLID WASTE

Currently, the former base uses a “stand alone” looped water system, designed to serve the base exclusively. The Irvine Ranch Water District (IRWD) is the existing water and sewer service provider and will remain so for the area post-annexation. The IRWD water supply assessment concludes that adequate water supply exists to serve the annexation area through buildout of the Overlay Plan. IRWD's service plan under the Overlay Plan includes expanding and integrating the existing looped water system into the IRWD system to serve the entire



annexation area. IRWD has also indicated it has adequate capacity to meet sewer service demand at the level required by the proposed Overlay Plan.

EMERGENCY SERVICES

The Department of the Navy currently contracts with the Orange County Sheriff Department (OCSO) and the Orange County Fire Authority (OCFA) for the provision of police, fire and paramedic services to the territory. If the territory is annexed to the City of Irvine, the city's police department will provide law enforcement and traffic control services. The city's police department is a full-service department offering comprehensive community-oriented policing. Though the city indicates it has the ability to serve the project area during the construction phase with existing resources, further development, whether at the Base Plan or Overlay Plan level, will require additional officers and equipment to meet an anticipated increase in service calls. Additional police personnel and equipment will be funded through the City of Irvine General Fund revenues. The Great Park non-profit public benefit corporation will be responsible for providing security services to the public use areas of the Great Park.

OCFA currently provides fire and paramedic services to the City of Irvine. The city's plan for services anticipates that OCFA will provide these services to the annexation territory. Funding for these services is provided through Structural Fire Fund revenues (a percentage share of property tax revenues). Development and implementation of the Great Park Plan will have a service provision impact on OCFA, and it is expected that additional facilities and resources will be required. To compensate for the future financial impact on fire services, the city will require private developers of major projects within the proposed annexation area to enter into a Secured Fire Protection Agreement with OCFA. The agreement will specify the developer's fair share funding for fire protection services.

FLOOD CONTROL

The Orange County Flood Control District currently has and will continue to maintain jurisdiction over regional drainage channels within the proposed annexation area post-annexation. The existing major drainage channels include the Marshburn, Bee Canyon, Aqua Chinon, Borrego Canyon, and Serrano Creek Channels. All six channels, natural water courses, agricultural channels and storm drain systems transport runoff from the annexation area drainage basin to the Upper Newport Bay. The City of Irvine's Urban Services Plan states that neither the Base Plan nor the Overlay Plan will require the expansion or creation of new regional flood control facilities.

PARK AND RECREATION SERVICES

The Department of the Navy maintains all current operational recreational facilities on the site. After annexation, the City of Irvine would add the existing and future community and neighborhood public parks to its





maintenance and operations responsibilities. The Base Plan is a lower density development plan, but it includes more acres of open space and parks uses than the Overlay Plan. (The Base Plan incorporates 3,213 acres of open space and parks, while the Overlay Plan includes 2,834 acres, 379 acres less than the Base Plan.) Of the two development scenarios, the Base Plan will require more city parks and recreation personnel and equipment. The city proposes that parks and recreation services be shared between the city and the Great Park non-profit corporation.

GOVERNANCE

The City of Irvine proposes a non-profit 501(c)(3) Public Benefit Corporation as the governance body for the Orange County Great Park project. A 501(c)(3) Public Benefit Corporation is a specific type of non-profit corporation created for charitable and public purpose rather than for private gain of any individual. The 501(c)(3) non-profit status identifies the organization as a tax exempt entity under the 501(c)(3) section of the Internal Revenue Service Tax Code. Identified as the "Orange County Great Park Corporation," this entity is designed to act as the "master developer" for the Great Park Master Development Plan which includes the proposed Great Park and the balance of the base property.

In the project's initial development phase, the corporation will hire and manage contractors for the construction of the Master Development Plan's "backbone" infrastructure system, including construction of major arterials, sewer lines, water lines, and park and open space improvements. Upon completion of the backbone infrastructure system, the corporation will then be responsible for ongoing maintenance and operations of the open space and recreation areas, museums, and other public use areas within the proposed Great Park only.

The Irvine City Council created the Orange County Great Park Corporation in September 2003, approving its organizational structure and appointing the original nine-member Board of Directors. (Please refer to Attachment H for the Great Park Corporation Bylaws.) The composition of the board includes the entire Irvine City Council and four independent members. Two of the independent directors will serve an initial four-year term, while the other two will serve five-year terms. There is no limit to the total number of terms an independent director can serve. However, independent directors seeking re-election to the Board of Directors will require two-thirds approval by the entire board.

THE CITY'S FINANCIAL/FISCAL PLAN FOR THE GREAT PARK PLAN

The City of Irvine has proposed a unique plan to fund the infrastructure and ongoing maintenance and operations of the Great Park Master Development Plan in the proposed annexation territory. The estimated cost for the project's backbone infrastructure is \$372 million. The city's proposed funding plan is supported by a combination of developer fees, bond



assessments and special levies to be shared among landowners and developers with no additional funding required by federal, state, and local taxpayers.

KEY ELEMENTS OF THE FUNDING PLAN

The city's proposed funding plan identifies three key steps which lead to the development of the Great Park Master Development Plan:

1. Annexation of the property to the City of Irvine
2. Sale of the property to the Navy through a public auction process
3. Property-owner commitment to City of Irvine's Development Agreement

ANNEXATION TO THE CITY OF IRVINE

Annexation of the property to the city is the initial step in the city's development process. Once annexed, the city's pre-zoning, which allows for mixed use residential, commercial, open space, recreation and other uses, becomes effective. The current land use regulations under the County's General Plan, which was amended through Measure W, primarily permits only open space and recreation uses within the proposed annexation territory.

THE PUBLIC AUCTION

Following annexation of the property to the City of Irvine, the federal government will conduct a public Internet auction of the four parcels which comprise the Great Park Master Development Plan. These parcels are identified in the image on page 11 of this report and also in Figures 4 and 5 on pages 12 and 13 of this report. The federal government's General Services Administration (GSA), on behalf of the Department of the Navy, is scheduled to conduct the public land auction if the annexation is approved by LAFCO. Sale of the military property through a public auction process is a relatively new way of disposing of military base property. Sale of the property to private ownership generates property tax revenue for the state and local governments. (Federal property is exempt from property tax assessments.) In addition, proceeds from the sale of the property will help the Navy pay for the cost of environmental remediation at El Toro and potentially other bases. The public auction sale approach was also used for the disposal of the other military base in Orange County, specifically the Marine Corps Air Station at Tustin (MCAS Tustin).

THE DEVELOPMENT AGREEMENT

Upon purchase of the property, the City of Irvine will ask the property owners to sign the pre-drafted Development Agreement (DA). A copy of the draft DA is included as Attachment I of this staff report. The DA is required for development under the Overlay Plan, granting more intense uses. The DA obligates the owner to pay significant fees to the city. If a developer purchases the property but chooses not to sign the DA, the more restrictive Base Plan



entitlements will be applied to the property's use. Entitlements permitted under the Overlay Plan and Base Plan are detailed in Figures 4 and 5, on pages 12 and 13 of this report.

The total cost for infrastructure development of the Great Park Development Plan is estimated to be \$372 million. The City of Irvine proposes that the majority of these costs will be covered through developer impact fees, which total \$200 million, and that the remaining \$172 million will be financed using Mello Roos assessment bonds.

ENVIRONMENTAL REVIEW

On May 27, 2003, the City of Irvine certified the Final Program Environmental Impact Report (EIR) as complete and adopted a Statement of Facts of Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring Program. LAFCO, as a responsible agency, may utilize this documentation in its consideration of the proposed annexation. The certifying resolution, Findings of Fact/Statement of Overriding Considerations, Executive Summary, Mitigation Measures, and the Notice of Determination are attached to this report. (Please refer to Attachment J.) A complete set of the Final Program EIR documents are available in the LAFCO office for Commission review.

PROPERTY TAX EXCHANGE

The County of Orange and the City of Irvine adopted resolutions on May 6, 2003 and March 11, 2003, respectively, agreeing to an exchange of property tax in accordance with the Master Property Tax Agreement. In accordance with this agreement, the resolutions allocate approximately 18 percent of the negotiable property tax to the City of Irvine and approximately 82 percent to the County of Orange. (See Attachment K, the Pre-Annexation Agreement and adopted property tax transfer resolutions.)



ANALYSIS & RECOMMENDATIONS

OVERVIEW

The final section of this report provides your Commission with staff's analysis of the proposal and its recommendations. The section begins with an identification of the key questions your Commission must weigh when considering annexation. Next, the report addresses the annexation's proposed financial and fiscal feasibility. The concluding portion includes staff recommendations for your Commission's consideration.

LAFCO is not a land use agency. In fact, Government Code 56375(a) (refer to Attachment L), in describing LAFCO's powers and duties, specifically precludes your Commission from imposing any conditions ". . . that would directly regulate land use density, intensity, property development or subdivision requirements." Despite a decade of controversy over the ultimate land use for the closed MCAS El Toro property, the primary questions for LAFCO to consider in its deliberation of this annexation are not land use-related issues. Instead, the key issues for your Commission when considering the subject annexation to the City of Irvine are:

- Is there a need for community services in the area?
- Does the proposal conform to the Commission's adopted policies on providing planned, orderly, efficient patterns of urban development?
- Does the City of Irvine have the financial resources to provide adequate services to the area?
- What are the fiscal impacts of the annexation on the City of Irvine and the County of Orange?

ANALYSIS

THE NEED FOR COMMUNITY SERVICES

The MCAS El Toro military base, officially closed in July 1993, has undergone a long and controversial reuse process. Over the years, the Department of the Navy has worked with



ETRPA, the County of Orange, and, most recently, with the City of Irvine in developing a comprehensive reuse plan for the base property. With the passage of Measure W by Orange County voters in March 2002, MCAS El Toro was designated primarily for open space and recreation uses. The City of Irvine's Great Park Plan reflects that intent through its plans for a 370-acre central park and 1,900 acres of additional open space. Additional uses, at minimum, will include residential, research and development, and museum/library space uses. This level of development will require the extension of municipal services.

CONFORMITY WITH ADOPTED POLICIES ON ORDERLY GROWTH

A sphere of influence, in its basic form, is a plan for the probable physical boundaries and service area of a local agency. It is used as a long-range planning tool that guides future LAFCO decisions on individual jurisdictional boundary changes. The Commission included the proposed annexation territory in the City of Irvine's original sphere of influence, which was adopted by the Commission in 1972, and your Commission has included the territory in each subsequent sphere update adopted for the City of Irvine. Through LAFCO's adoption and subsequent reaffirmation of Irvine's sphere of influence, your Commission clearly identified the City of Irvine as the logical municipal service provider for the proposed annexation area.

FINANCIAL FEASIBILITY OF THE GREAT PARK MASTER DEVELOPMENT PLAN

Given the complexity of the proposed financing plan and the specialization of the data provided by the City of Irvine, staff determined early on that outside expertise in fiscal feasibility analysis would be required. Staff conducted an independent search for a consulting firm specializing in economic and fiscal feasibility analysis through a request for proposal process. Three finalists were interviewed and one finalist was recommended to the Commission for approval. On May 14, 2003, your Commission authorized staff to contract with Economic and Planning Systems, Inc. (EPS) to perform an in-depth economic and fiscal analysis of the proposed annexation, including a review of the funding plan for the Orange County Great Park Master Development Plan, the city's proposed plan for services, and the fiscal impact analysis of the Great Park Plan on the City of Irvine and County of Orange. The EPS report is included as Attachment M of this staff report for your review.

EPS's report, in summary, includes the following key findings:

- The project generates an annual fiscal benefit to the city
- The Great Park plan generates an annual fiscal benefit to the county
- The financing plan is feasible given specific key elements or factors

The EPS report also states that the fiscal viability of the project is dependent on the city's assumptions regarding a number of interrelated factors. Significant changes to any one of these key assumptions may impair the success of the infrastructure funding and development plan as specified by the city. These factors include:



- Refusal of property purchasers to execute Development Agreements
- Delays in infrastructure development phasing
- Incorrect estimates regarding land values and absorption rates
- Incorrect infrastructure cost assumptions

THE CITY'S FUNDING APPROACH

The city made a commitment to the community that the proposed reuse plan for MCAS El Toro would not cause any additional tax burden to existing local taxpayers. In support of that commitment, the city created a unique funding plan based primarily on three sources: 1) developer impact fees, 2) public improvement bonds, and 3) special maintenance levies on property owners. The latter two funding sources are commonly used to finance large master-planned communities. The following subsections examine each of these revenue sources. The city's plan for collecting developer impact fees is to require developers to sign a Development Agreement upon purchase of the property. By signing the Development Agreement, the purchaser receives enhanced development entitlements for the property, but the buyer is also obligated to pay significant impact fees to the city.

DEVELOPER IMPACT FEES

By signing the Development Agreement, the buyer is entitled to develop the property under the more intense zoning provisions of the Overlay Plan. For the city, it is the key to financing the project's major public improvement and service infrastructure elements. The Development Agreement (DA) identifies the amount of developer impact fees and the deadlines for securing payment to the city. The City of Irvine will require the buyers to sign the DA within 45 days of purchasing the property. The quick turnaround time discourages buyers from challenging or attempting to renegotiate the agreement. The advantage for a buyer is that the property is entitled within 45 days of purchase, an unusually expedited timeframe.

The estimated cost for infrastructure development of the Great Park Development Plan is \$372 million. The city anticipates that the bulk of those costs (\$200M of the \$372M) will be covered through developer impact fees associated with the DA. The terms of the DA require the "Developer Parties" to pay the city a per-parcel portion of the \$200 million developer fee for all four parcels. Each parcel's share is a percentage portion of the total as follows:

- Developer Share Parcel # 1 = \$48,000,000 (or 24% of \$200 million)
- Developer Share Parcel # 2 = \$54,000,000 (or 27% of \$200 million)
- Developer Share Parcel # 3 = \$68,000,000 (or 34% of \$200 million)
- Developer Share Parcel # 4 = \$30,000,000 (or 15% of \$200 million)

The \$200M in developer impact fees is essentially up-front fees to be paid in four installments over two years. The first three will be due at specific intervals within the first year of signing the agreement or upon recordation of the Master Subdivision Map, whichever comes first. The final installment will be due upon issuance of a building permit or within two years of signing the



agreement, whichever comes first. A detailed parcel-by-parcel phasing plan of the city's Great Park Development Plan is included in Table 5, pages 11 – 14, of the EPS consultant report for your review. (Please see Attachment M.)

THE FORMATION OF A COMMUNITY FACILITIES DISTRICT (CFD)

The City of Irvine proposes a second source of infrastructure funding through the sale of bonds. This will require the formation of a Mello Roos Community Facilities District (CFD). A CFD is a special financing district through which a city, county, or special district may issue bonds (a unit of debt) in which an issuer (the city in this case) borrows money from an investor/buyer and agrees to pay back a fixed amount of money, principal and interest, on a specified date. Issuing bonds is one way for a public agency to borrow large sums of money to finance major public improvement projects, maintenance and other programs. The city will collect the special taxes in the form of assessments on property within the district to repay the bonds over time.

The city projects an estimated \$172 million will be financed through bond sales and will be used to pay for roads, utilities, landscaping, park improvements, drainage corridors, and wildlife corridor development. Because the Mello Roos CFD is a land-secured bond financing mechanism, the city is insulated from direct risk. Through the Development Agreement, the city will require buyers to participate in the formation of a CFD. If the city chooses not to form a CFD, the buyers will remain responsible for paying a per-parcel proportionate share of the costs to construct and/or maintain the project's public facility improvements identified above.

SPECIAL MAINTENANCE LEVIES

The third major funding source identified in the city's plan is special maintenance levies placed on property owners in the project area. The Great Park Corporation will receive these revenues directly from property owners within the project area. The revenues will be used to offset the ongoing maintenance and park operation costs which are estimated to be approximately \$9.3 million per year at buildout. Maintenance and ongoing operation costs are defined as costs related to operating and maintaining public streets, landscaping, lighting, and park and recreation facilities related to the Orange County Great Park.

FLOW OF FUNDS

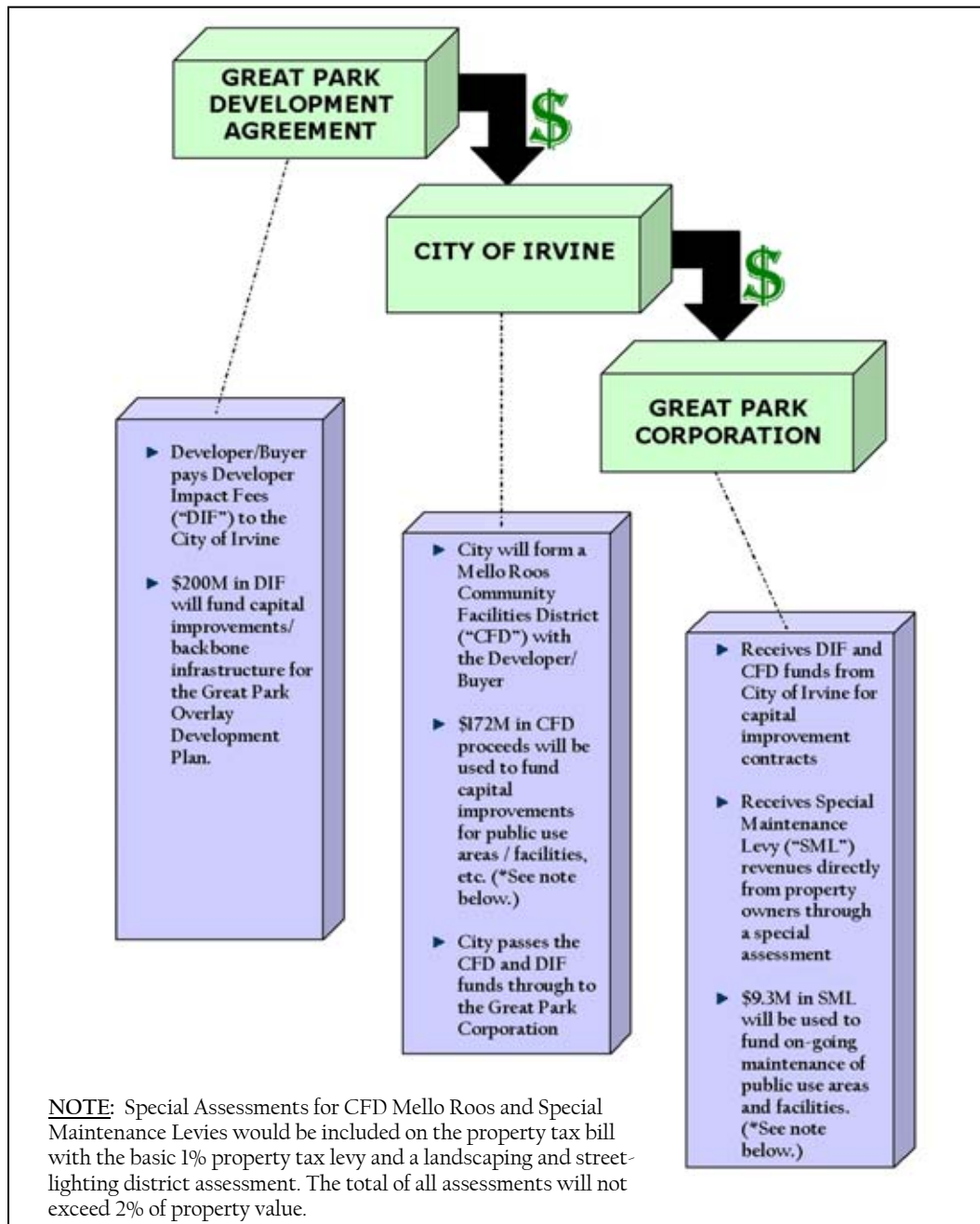
As previously noted, the financial resources required to implement the Great Park Master Development Plan will come from a variety of external sources, specifically:

- **Developer Impact Fees** – \$200M will fund capital improvements/backbone infrastructure for Great Park Overlay Plan
- **CFD Bond Proceeds** – \$172M in capital improvements for public use areas, facilities, etc.
- **Special Maintenance Levies** – \$9.3M for ongoing maintenance of public use areas and facilities



Initially, the city will receive incremental developer impact fees through the Development Agreement. The city will form a CFD with the developer/buyers to generate funds to cover infrastructure and maintenance costs. Upon request, the city will disperse the funds to the corporation to fund contracts for construction of backbone infrastructure and/or for long-term ongoing Great Park operations and maintenance. The corporation will receive special maintenance fees directly from property owners, which in turn will be used for ongoing park maintenance. Figure 8 illustrates the flow of funds through the project structure.

Figure 8 – Diagram depicting the flow of funds





POTENTIAL RISKS

The Development Agreement is a critical factor for the success of the City of Irvine's infrastructure funding and service provision plan. EPS findings conclude that if a Development Agreement is not signed for any of the parcels, or any buyer attempts to renegotiate the Development Agreement, the financial feasibility of the project is unclear. Failure to sign the Development Agreement by one or more buyers would reduce the amount of developer impact fees received by the city, complicate the formation of a CFD, delay infrastructure phasing, and potentially affect the overall project's marketability.

To limit this risk, the city designed the Development Agreement as a tool for buyers to maximize the economic potential of the land. It is highly unlikely that any buyer who purchases one or more of the parcels through the competitive auction process will not execute the development agreement. Signing the Development Agreement ensures that the buyer will enjoy the greatest development potential and economic return on the property. Once the Development Agreement is signed, payment of all development impact fees is required within two years.

There are various degrees of risk associated with every major real estate project. The EPS analysis indicates, in summary, that the city's financial plan for the Great Park Master Development Plan, while not without risk, is feasible provided that:

- All buyers sign the Development Agreement.
- Developer Impact Fees are paid in a timely manner.
- The CFD is formed and bond proceeds generate the anticipated revenues to bridge the gap between Developer Impact Fees and the anticipated \$372 million in backbone infrastructure costs.

CITY AND COUNTY FISCAL VIABILITY

From a municipal service delivery perspective, the City of Irvine is the most logical service provider for the proposed annexation area. As indicated earlier in this report, the property is within the city's SOI and is a natural extension of current city boundaries. The proposed annexation of 4,287 additional acres of property to the city will create an increased demand for public services.



The city conducted a fiscal impact analysis on both the city and county under the Base Plan and the Overlay Plan. Under the Base Plan scenario, the County of Orange would incur a net fiscal deficit of \$130,000 at buildout. The anticipated property tax revenue at the reduced level of development permitted under the Base Plan would not generate sufficient funds to offset major recurring costs to the County General Fund, road fund, library fund, OCFA, and Harbors, Beaches and Parks. If developed under the Overlay Plan, property tax and vehicle license fee revenues would help create a net surplus of \$2.2 million in excess of the anticipated



expenditures to the county. The city's analysis projects that the net fiscal impact to the city at buildout of the Overlay Plan is also a positive number at approximately \$2 million over anticipated expenditures.

Though the estimated net fiscal impact totals vary, the EPS analysis confirms that both the city and county would sustain a recurring net budget surplus as a result of annexation and development of the property under the Overlay Plan. EPS findings conclude that the annexation would generate a net fiscal benefit of nearly \$1.6 annually for the county and an annual net surplus of approximately \$627,000 for the city.

Figure 9 – Net fiscal impacts for the City of Irvine and the County of Orange

NET FISCAL IMPACTS Based on the Overlay Plan			
<i>Fiscal Impacts</i>	<i>Revenues</i>	<i>Expenditures</i>	<i>Net Balance</i>
 City of Irvine	\$ 5,660,432	\$ 5,033,909	\$ 626,523
 County of Orange	\$ 3,245,077	\$ 1,672,475	\$ 1,572,602

CONCLUSION

LAFCO staff, in conjunction with the consultants from EPS, spent considerable time and resources evaluating the proposed annexation of the 4,287-acre base property to the City of Irvine. Staff concluded that the development of the territory is imminent and that the most efficient way to serve this area is through an extension of municipal services.

Your Commission, more than 30 years ago, established the proposed annexation territory as within the Irvine sphere of influence, formally identifying the City of Irvine as the logical service provider for this area. The city has developed an innovative and creative financing plan for development of the territory. The plan requires that major infrastructure and ongoing operation and maintenance costs for the project will be shouldered primarily by the development interests who purchase the property, as well as by future business owners and homebuyers who choose to buy property within the annexation territory. The financing plan, while not without a measure of risk inherent in any major real estate development project, is reasonable and feasible. In addition, our consultant's analysis concurs with the city's findings that the proposed annexation, at buildout, will have a positive fiscal impact on both the city and the county.

STAFF RECOMMENDATIONS

Staff recommends that the Commission take the following actions:

1. Certify that the information contained within the Final Program Environmental Impact Report prepared by the City of Irvine has been reviewed and considered.



2. Adopt the form of resolution approving the “MCAS El Toro Annexation to the City of Irvine” (CA 03-15) subject to the following terms and conditions:
 - a. Payment of Recorder and State Board of Equalization fees.
 - b. Upon annexation of the territory to the city, all right, title, and interest of the county, including the underlying fee title where owned by the county in any and all public roads, all drainage devices, flood control channels and appurtenant facilities, local storm drain water quality basins, Best Management Plan (BMP) structures, bridges, including those facilities associated with the Alton Parkway construction project, site drainage, storm drains, sidewalks, trails, landscaped areas, street lights, traffic signals and storm drains within street right-of-way and any appurtenant slopes, medians and adjacent property, open space, and local parks shall vest in the city, except for those properties to be retained by the county and specifically listed in these terms and conditions, if any. The city shall assume ownership and maintenance responsibility upon the effective date of annexation.
 - c. Upon the effective date of annexation, the city shall do the following:
 - i. Assume ownership and maintenance responsibilities for all drainage devices, flood control channels and appurtenant facilities, site drainage, and all master plan storm drain facilities that are within the annexation area and are county operated and maintained;
 - ii. Administer flood zoning and Federal Emergency Management Agency floodplain regulations within the annexation area;
 - iii. Coordinate development within the annexation area that is adjacent to any existing flood control facilities for which Orange County Flood Control District (OCFCD) has a recorded flood control easement or owns fee interest, by submitting plans and specifications to the Manager of Flood Control Division, County of Orange Public Facilities and Resources Department, for review; and
 - iv. Require development within the annexation area to have 100-year flood protection from the Borrego Canyon Wash Channel (F20), Agua Chinon Channel (F18), Bee Canyon Wash Channel (F17), and Marshburn Channel (F19) based on the city and county-approved Orange County Flood Control Master Plan for San Diego Creek.
 - d. Upon annexation of the property to the City of Irvine, the city's existing citywide Street Lighting and Landscaping Assessment District shall be extended to include the subject property.



ORANGE COUNTY LOCAL AGENCY FORMATION COMMISSION

Staff Report for the Proposed

MCAS El Toro Annexation to the City of Irvine (CA 03-15)

November 12, 2003

- e. The applicant agrees to defend, hold harmless, and indemnify LAFCO and/or its agents, officers, and employees from any claim, action, or proceeding against LAFCO and/or its agents, officers, and employees to attack, set aside, void, or annul the approval of LAFCO concerning this proposal or any action relating to or arising out of such approval.
- f. Pursuant to Government Code Section 56663(c), waive protest proceedings entirely.
- g. The effective date shall be the date of recordation.

Respectfully submitted,

Prepared by,

Dana M. Smith
Executive Officer

Bob Aldrich
Assistant Executive Officer

Kim A. Koeppen
Policy Analyst



APPENDICES/ ATTACHMENTS

Attachment

A	Government Code Section 56663(c) – Waive Protest Proceedings
B	Government Code Section 56668 – Review of Proposal
C	Base Property/Portion of the Proposed Great Park Development Plan Currently in the City
D	Property Owner Consent Letters <ul style="list-style-type: none">★ Department of the Navy★ Irvine Ranch Water District
E	Annexation Area Vicinity Map
F	Orange County Great Park Base & Overlay Plan Maps
G	Government Code Section 56653 – Plan for Services
H	Great Park Corporation Bylaws
I	Great Park Development Agreement
J	Environmental Documents: <ul style="list-style-type: none">★ Certifying Resolution★ Findings of Fact / Statement of Overriding Considerations★ Executive Summary★ Mitigation Measures★ Notice of Determination
K	Pre-Annexation Agreement and Adopted Property Tax Resolutions
L	Government Code Section 56375(a) – LAFCO Powers
M	EPS Financial Feasibility and Fiscal Analysis
N	Comment Letters